IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANTS' MAIN BRIEF ON APPEAL

APPELLANTS:	Mika Munenaka, et al.	ATTY DOCKET NO:	09792909-5086
SERIAL NO.:	09/897,237	GROUP ART UNIT:	2142
DATE FILED:	July 2, 2001	EXAMINER:	Benjamin Ailes
INVENTION:	"CONTENT MANAGING SYSTEM, CONTENT MANAGING APPARATUS, AND CONTENT MANAGING METHOD"		

Mail Stop Appeal Brief - Patents
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Appellants submit herewith Appellants' Main Brief on Appeal under 37 C.F.R. §41.37 in support of the Notice of Appeal mailed on June 24, 2005. The Commissioner is hereby authorized to charge the amount of $500.00 for the requisite filing fee for filing the Main Brief on Appeal to the Appellants' Attorneys' credit card. Form 2038 is attached.

Appellants petition the Commissioner of Patents and Trademarks to extend the time for filing this brief for two months so that the period for filing is extended to October 24, 2005. Postal money order no. 04808617727 in the amount of $450.00 is enclosed for the one-month extension fee.

The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication or credit any overpayment to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

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Respectfully Submitted,

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CERTIFICATE OF MAILING

I hereby certify that this original and two copies of this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 24, 2005.

_____ (Reg. No. 45,034)
Christopher P. Rauch

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §41.37, Appellants submit this Main Brief on Appeal pursuant to the Notice of Appeal filed on June 24, 2005 in the above-identified application.

I.   <u>REAL PARTY IN INTEREST:</u>

The real party in interest in the present appeal is the Assignee, Sony Corporation. The assignment was recorded in the U.S. Patent and Trademark Office at Reel 011962, Frame 0809.

II.   <u>RELATED APPEALS AND INTERFERENCES:</u>

Appellants are not aware of any related appeals or interferences.

III.   <u>STATUS OF CLAIMS:</u>

Claims 1-27 are pending in the application. The present appeal is directed to claims 1-27, which were finally rejected in an Office Action dated May 12, 2005. A copy of claims 1-27 is appended hereto as the Appendix.

The status of the claims on appeal is as follows:

Claims 1-27 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by *Angles, et al. (U.S. Patent No. 5,933,811).*

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IV.   **STATUS OF AMENDMENTS:**

All amendments have been entered in this application.

V.   **SUMMARY OF CLAIMED SUBJECT MATTER:**

This application relates to managing content on a computer system. There are three

independent claims, namely claims 1, 10, and 19.

Independent claim 1

Referring to Appellants' Figure 1 for illustrative purposes, independent claim 1 claims a

content managing system having a content managing portion. In an illustrative example, the

content managing system can store content, such as banner advertisements from an advertiser, for

a user and present the content to the user via a network, such as the Internet. (Page 6, lines 4-13;

page 7, lines 1-4). The content managing portion is represented generally by item 1 in Figure 1.

A content library 11 stores files of a plurality of contents (*e.g.*, banner advertisements) that are

provided by a content provider (*e.g.*, an advertiser). (Page 8, lines 3-8). The content library can

be, for example, storage device such as a hard disk storage system. A library managing means

manages the content library. The library managing means is implemented by a library managing

server 12. (Page 9, lines 4-18).

A customer file storing means is for storing the file of a content of each user to an area 18

assigned to each user. The customer file storing means is implemented, for example, by

customer file storage device 13. (Page 9, line 23-page 10, line 14). A customer file managing

means manages the customer file storing means. The customer file managing means is

implemented, for example, by a customer file managing server 14. (Page 10, line 27-page 11,

line 8).

The content managing portion and a terminal unit 2 of a user are connected through a

network 3. The content managing portion is operated by a terminal unit 2 of a user through the

network 3 so that a content linked to a page published by the content provider (*e.g.*, an advertiser)

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through the network 3 is copied or linked from the content library 11 to the area 18 assigned to the user. (Page 11, line 9-page 12, line 27).

Thus, when the user selects a file of a content stored in the content library 11, the file is copied or linked to the area 18 assigned to the user. The user can then access the file of the content from the user area 18.

Independent claim 10

Referring to Figure 1 as an illustrative example, claim 10 claims a content managing apparatus similar to the content managing system of claim 1 and further including a communicating means for connecting the content managing apparatus to a network 3. The communicating means is implemented, for example, by communication interface 19, which can be a router, for example. (Page 7, lines 1-4).

Independent claim 19

Referring to Figure 1 as an illustrative example, claim 19 claims a content managing method. A library 11 is provided for storing the files of a plurality of contents (e.g., banner advertisements) provided by a content provider (e.g., an advertiser). (Page 8, lines 3-8; page 9, lines 4-18). A content managing portion 14 is provided for assigning a user area 18 for storing the file of a content of each user to a customer file storage 13. (Page 9, line 23-page 10, line 14; page 10, line 27-page 11, line 8). The content managing portion 14 and a terminal unit 2 of a user are connected through a network 3, such as the Internet. (Page 7, lines 1-4). The content managing portion 14 is operated by a terminal unit 2 of a user through the network 3 so that a content linked to a page published by the content provider through the network is copied or linked from the library 11 to a user area 18. (Page 11, line 9-page 12, line 27).

VI.   **GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL:**

Claims 1-27 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by *Angles, et al. (U.S. Patent No. 5,933,811)*.

VII. ARGUMENT:

Claims 1-27 stand rejected under 35 U.S.C. §102 by the Examiner as being anticipated based on *Angles, et al. (U.S. Patent No. 5,933,811)("Angles")*. As set forth more clearly below, the rejection of the claims set forth by the Examiner under §102 is improper and accordingly the Board should reverse the rejection.

A.   *Angles* fails to teach Appellants' claimed library managing means

Appellants' claims each require a library managing means for managing a content library. The claimed content library is for storing files of a plurality of contents provided by a content provider.

The Examiner argues that *Angles'* electronic page module anticipates Appellants' claimed library managing means, however, Appellants respectfully disagree. As described in *Angles*, *Angles'* electronic page module 32 "provides an organizational structure for presenting information to the consumer." *Angles* 12:53-54. *Angles* presents the information to the user as a web page. Therefore, *Angles'* electronic page module 32 merely organizes how information is presented on a web page. For example, *Angles* describes that its electronic page module can include an advertisement on a web page. *Angles* 12:54-60.

Thus, *Angles'* electronic page module 32 is clearly unrelated to Appellants' claimed library management means. Appellants' claimed library management means manages a content library. *Angles'* electronic page module 32 has nothing to do with managing a library, and instead relates to organizing information on a web page.

Further, the Examiner argues that *Angles* teaches content libraries in *Angles'* content provider computer (Examiner cites *Angles* 12:13-36) and advertisement provider computer (Examiner cites *Angles* 13:31-24). *Angles'* electronic page module 32 clearly does not <u>manage</u> either of these alleged content libraries. Instead, *Angles'* electronic page module 32 merely organizes information on a web page.

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For at least these reasons, *Angles* fails to anticipate Appellants' claimed invention.

B. ***Angles* fails to teach an area assigned to each user that stores a content file of the user**

Appellants' claims each require an area assigned to each user that stores a content file of the user. The Examiner argues that *Angles'* consumer profile database anticipates Appellants' claimed assigned area, however, Appellants disagree. The Examiner cites the passage from *Angles* col. 8, lines 11-13, to support the Examiner's argument. That passage from *Angles* states that "[t]he advertisement provider computer 18 obtains the consumer member code 22 and uses the consumer's member code 22 to access the consumer's profile in a demographic database (not shown)." The following sentence states, "Based on the consumer's profile, the advertisement provider computer 18 selects an appropriate customized advertisement 30." (Col. 18, lines 13-15).

Thus, unlike Appellants' claimed invention that claims an area that is assigned to each user for storing a content file, *Angles* merely teaches that a consumer's <u>profile</u> is stored in a demographic database. *Angles* <u>does not assign</u> a storage area to each user, and thus could not store a user's content in an assigned storage area. Instead, *Angles* merely stores a user profile in a database.

Therefore, for at least these additional reasons, *Angles* fails to anticipate Appellants' claimed invention.

C. ***Angles* fails to teach Appellants' claimed file managing means**

Appellants claimed invention claims a customer file storing means for storing the file of a content of each user to an area assigned to each user, and customer file managing means for managing the customer file storing means.

The Examiner argues that *Angles'* advertising storage medium anticipates Appellants' customer file managing means, however, Appellants disagree. As described in *Angles*, *Angles'*

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advertising storage medium 22 is merely a storage medium, such as a floppy disk or hard disk. *Angles* 11:50-65. Thus, *Angles'* advertising storage medium manages nothing -- it is merely a storage device. The Examiner argues that *Angles'* advertising storage medium manages *Angles'* consumer profile database, however, it could not perform such a function because it is merely a storage device.

Therefore, for at least these additional reasons, *Angles* fails to anticipate Appellants' claimed invention.

D. *Angles* fails to teach copying or linking a content from a content library to an area assigned to a user

Appellants' claimed invention claims subject matter relating to copying or linking a content from a content library to an area assigned to a user. As discussed above, *Angles* fails to teach such an area. Therefore, *Angles* could not anticipate copying or linking a content from a content library to such an area.
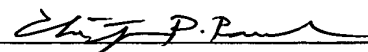
Therefore, for at least these additional reasons, *Angles* fails to anticipate Appellants' claimed invention.

Accordingly, Appellants respectfully request that the Board reverse the rejection of claims 1-27.

VIII. CONCLUSION:

For the foregoing reasons, Appellants respectfully submit that the rejection posed by the Examiner is improper as a matter of law and fact. Accordingly, Appellants respectfully request the Board reverse the rejection of claims 1-27.

Respectfully submitted,

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CLAIMS APPENDIX

1. A content managing system having a content managing portion comprising:

a content library for storing files of a plurality of contents provided by a content provider;

library managing means for managing said content library;

customer file storing means for storing the file of a content of each user to an area assigned to each user; and

customer file managing means for managing said customer file storing means,

wherein said content managing portion and a terminal unit of a user are connected through a network, and

wherein said content managing portion is operated by a terminal unit of a user through the network so that a content linked to a page published by the content provider through the network is copied or linked from said content library to the area assigned to the user.

2. The content managing system as set forth in claim 1,

wherein the contents are advertisements.

3. The content managing system as set forth in claim 1,

wherein the content provider can freely change, replace, and delete the file of a content provided to said content library.

4. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of users who copied or linked the contents to their user areas and creates a database containing the counted values.

5. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of male users and the number of female users who copied their contents to their user areas and creates a database containing the counted values.

6. The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of users in each age group who copied their contents to their user areas and creates a database containing the counted values.

7.   The content managing system as set forth in claim 1,

wherein said content managing portion counts the number of clicks of each content copied or linked to each user area and creates a database containing the counted values.

8.   The content managing system as set forth in claim 1,

wherein said content managing portion counts the clicked date and time of each content copied or linked to each user area and creates a database containing the counted values.

9.   The content managing system as set forth in claim 1,

wherein said content managing portion counts the period for which each content was stored or linked in each user area and creates a database containing the counted values.

10.   A content managing apparatus, comprising:

a content managing portion having:

a content library for storing files of a plurality of contents provided by a content provider,

library managing means for managing said content library,

customer file storing means for storing the file of a content of each user to an area assigned to each user, and

customer file managing means for managing said customer file storing means;

and

communicating means for connecting the content managing apparatus to a network,

wherein a terminal unit of a user is operated through the network so that a content linked to a page published by the content provider through the network is copied from said content library to the area assigned to the user.

11.   The content managing apparatus as set forth in claim 10,

wherein the contents are advertisements.

12.   The content managing apparatus as set forth in claim 10,

wherein the content provider can freely change, replace, and delete the file of a content provided to said content library.

13.   The content managing apparatus as set forth in claim 10,

wherein the number of users who copied or linked the contents to their user areas is counted and a database containing the counted values is created.

14.   The content managing apparatus as set forth in claim 10,

wherein the number of male users and the number of female users who copied their contents to their user areas is counted and a database containing the counted values is created.

15.   The content managing apparatus as set forth in claim 10,

wherein the number of users in each age group who copied or linked their contents to their user areas is counted and a database containing the counted values is created.

16.   The content managing apparatus as set forth in claim 10,

wherein the number of clicks of each content copied or linked to each user area is counted and a database containing the counted values is created.

17.   The content managing apparatus as set forth in claim 10,

wherein the clicked date and time of each content copied or linked to each user area is counted and a database containing the counted values is created.

18.   The content managing apparatus as set forth in claim 10,

wherein the period for which each content was stored in each user area is counted and a database containing the counted values is created.

19.   A content managing method, comprising the steps of:

providing a library for storing the files of a plurality of contents provided by a content provider;

providing a content managing portion for assigning a user area for storing the file of a content of each user to a customer file storage;

connecting the content managing portion and a terminal unit of a user through a network, and

operating the content managing portion by a terminal unit of a user through the network so that a content linked to a page published by the content provider through the network is copied or linked from the library to a user area.

20. The content managing method as set forth in claim 19,

wherein the contents are advertisements.

21. The content managing method as set forth in claim 19,

wherein the content provider can freely change, replace, and delete the file of a content provided to the library.

22. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of users who copied or linked the contents to their user areas and creates a database containing the counted values.

23. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of male users and the number of female users who copied or linked their contents to their user areas and creates a database containing the counted values.

24. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of users in each age group who copied or linked their contents to their user areas and creates a database containing the counted values.

25. The content managing method as set forth in claim 19,

wherein the content managing portion counts the number of clicks of each content copied or linked to each user area and creates a database containing the counted values.

26. The content managing method as set forth in claim 19,

wherein the content managing portion counts the clicked date and time of each content copied or linked to each user area and creates a database containing the counted values.

27.   The content managing method as set forth in claim 19,

wherein the content managing portion counts the period for which each content was stored or linked in each user area and creates a database containing the counted values.

EVIDENCE APPENDIX

Appellants do not submit extraneous evidence with this Main Brief on Appeal.

RELATED PROCEEDINGS APPENDIX

Appellants are not aware of any related appeals or interferences with regard to the present application.